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The Confederate Home Guard in Southwest Arkansas

By CHARLES G. WILLIAMS*

THE UNION ARMY THREAT against Little Rock, Arkansas, in 1863 led Governor Harris Flanagin to issue proclamations calling for the defense of the capital. The governor, fearing the fall of the city, ordered all of the state's male citizens between the ages of sixteen and sixty to take up arms and organize to resist the enemy.[1] In a partial answer to the governor's call Confederates organized armed groups that were called home guards, partisan rangers, and guerrilla units. The actions taken by such organizations in southwest Arkansas can be seen through the court records of Thomas J. Miller and Jeremiah Earnest who were tried by court-martial at Little Rock in 1864.

Following the occupation of Little Rock by the Union army in September 1863, martial law was extended below the Arkansas River. The army enforcing the law arrested Confederates for violations of the law and confined them at the United States military prison in Little Rock, the former Arkansas State Penitentiary. In January 1864, following the execution of David O. Dodd as a Confederate spy, Confederate home guards Thomas J. Miller and Jeremiah Earnest were placed on trial at Little Rock. They were charged with the crime of murder, attempt to murder, and threatening to hang Union men in southwest Arkansas.[2]

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[1] John L. Ferguson, *Arkansas and the Civil War* (Little Rock, Ark., 1961), 64-65.

[2] Leroy H. Fischer, "David O. Dodd: Folk Hero of Confederate Arkansas," *Arkansas Historical Quarterly,* XXXVII (Summer, 1978), 130-146. Proceedings of a Military Commission convened at Little Rock, Arkansas, File LL1746, Court-Martial Case Files, 1809-1938, Records of the Office of the Judge Advocate General, Record Group 153 (National Archives, Washington, D. C.); Thomas J. Miller and Jeremiah Earnest records are both in File LL1746.

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They were both charged with aiding and assisting in the murders of Jessie Osburn, Elijah Osburn, and Jackson Childers at or near Clark County, Arkansas, on or about July 15, 1863. Earnest was also charged with aiding and assisting in the murder of Hugh P. Williams at Fans Mills, Montgomery County, Arkansas, on or about April 10, 1863. Miller was also charged with the threat to hang Dr. Jacob Putman and A. J. Jones in Pike County, Arkansas, on January 20, 1863. Earnest was further charged with the threat to hang Samuel McGraw near Montgomery County on July 15, 1863.[3]

The prison records indicate that Miller had been captured or confined on November 20, 1863, at the United States military prison at Little Rock as a citizen prisoner. Earnest was also held as a prisoner of war at the same prison but there is no record of the date of his capture or confinement.[4]

The military commission that judged Miller and Earnest was composed of the following members: Colonel John A. Garrett; Lieutenant Colonel Samuel F. Cooper; Major Herman Schlilter; Major H. D. Gibson; Captain Thomas A. Bereman; and the judge advocate, Captain Benjamin Franklin Rice. T. D. W. Yonley was the defense counsel for both Miller and Earnest who both entered a plea of not guilty to all of the charges.[5]

The testimony that was given in the trials of Miller and Earnest gives an insight into the conditions of civil war in the actions of home guard commands in southwest Arkansas counties. Miller's trial began on January 22 and ended January 27, 1864. Earnest's trial started on January 28 and concluded on February 5, 1864.[6] The court records indicate that on or about July 13, 1863, three home guard companies came to the meeting

[3] Proceedings of a Military Commission convened at Little Rock. Miller's records, 4; Earnest's records, 5-9.

[4] Citizen Prisoners held in U. S. Military Prison at Little Rock, Arkansas, Book 409, and Confederate Prisoners of War held in U. S. Military Prison at Little Rock, Arkansas, Book 408, Files E1626 and E1627, V volumes, Records of the Provost Marshal Office, Little Rock, Arkansas, Record Group 393 (National Archives, Washington, D. C.).

[5] Proceedings of a Military Commission convened at Little Rock. Miller's records, 3-5. Earnest's records, 1, 2, 9.

[6] *Ibid.*, Miller's records, 4, 82. Earnest's records, 2, 90.

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house on Antoine Creek in Clark County to search for men and enlist them into the Confederate army. The companies were said to be those of Earnest, Miller, and Cunningham with the over-all commander named as a Major Head. The men of the companies had arrested Jessie Osburn, Elijah Osburn, Henry Osburn, A. J. Young, William Widener, and Jackson Childers on the charges of being "union men." On July 15, 1863, Young and Widener were released and went home before Jessie Osburn, Elijah Osburn, and Jackson Childers were hanged by members of the home guard companies. There is no record of what happened to Henry Osburn. None of the government's witnesses were present when Childers and the Osburns were hanged, but F. M. Holcome and A. J. Young stated that Leonard Jackson told them later that he was present when the men were hanged in the graveyard of the meeting house. William Widener also declared that he saw Elijah Osburn's body later the same day of the hanging as it was unloaded from a wagon and that his face was as "black as the chimney back." All of the witnesses stated that they never saw Childers and the Osburns alive following being held at the meeting house. The witnesses identified the defendants as being present at the meeting house on the day of the hanging. Several of the witnesses had known Miller before the war and knew that he had taught school and had also run for the state legislature from Pike County. Earnest was also known as having lived in Montgomery County before the war.[7]

William Carter testified that he was present when Hugh P. Williams was hanged at Fans Mills, Montgomery County, on or about April 10, 1863. Carter stated that a Captain Head was in charge of the home guard at the mills but Earnest was present during the hanging along with about fifty people of which about half were citizens and not members of the guard. He also stated that he had known Earnest from between two to four years.[8]

Jacob Putman in his direct testimony revealed the circumstances of his arrest on January 20, 1863, by Miller and several other men at his residence near Jones Mill in Pike County. He said that he had known

[7] *Ibid.*, Miller's records, 5-37. Earnest's records, 9-29.

[8] *Ibid.*, Earnest's records, 51-61.

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Miller for seven or eight years. The trials of the men were conducted at the mill where gallows had been erected before the trials. He estimated that the crowd at the trials numbered about 100 men. He stated that he heard Miller advocating the hanging of the men on trial who had been charged with being "union men."[9]

G. L. Epperson gave evidence that he had known Miller for twelve years and that he was present at Jones Mill in February 1863, where A. J. Jones was held under arrest. The guards had arrested Jones in an attempt to force him to reveal where his brother Willis Jones was hiding. Jones was acquitted of the charges but Epperson stated that he heard Miller say that if he could have gotten ten men to agree with him, Jones would have been hanged. He also advised that the guards were used to force men into the army.[10]

L. W. Golden under oath advised that he had been a part of Captain Stewart's command in July 1863, and was on a scout with Stewart on the Walnut Forks near Montgomery County. During the scout Captain Earnest's company of ten to twelve men joined them. Samuel McGraw was placed under arrest and Golden said he heard Earnest propose the hanging of McGraw to get him to tell where the men were "laying out." However, Stewart would not allow the hanging and McGraw was set free.[11]

The defense witnesses, James Blakely, John Blakely, and Leonard Jackson, all testified that neither Miller nor Earnest was present or that they did not see them at the meeting house where the Osburns and Childers were hanged. They also admitted that they in fact were present at the meeting house but that they left the area before the hangings occurred. The Blakelys and Jackson stated that they were being held under arrest in the military prison at Little Rock under charges of assisting in the hangings of the Osburns and Childers. Jeremiah Earnest stated in his testimony in the Miller trial that he had learned of the hangings of the three men later because he was not present at the meeting house when they were hanged.[12]

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[9] *Ibid.*, Miller's records, 45-51.

[10] *Ibid.*, Miller's records, 37-45.

[11] *Ibid.*, Earnest's records, 61-66.

[12] *Ibid.*, Miller's records, 57-67, 67-74, 74-79; Earnest's records, 72-77, 77-83, 83-89.

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Thomas J. Welch declared for the defense of Earnest that he was with Captain Stewart's command when McGraw was under arrest and that he did not hear Earnest threaten to hang McGraw. He stated that he was being held in the military prison, and he was hard of hearing.[13]

Miller and Earnest were found guilty by the court and sentenced to be hanged at such time and place that the commanding general designated. Miller was hanged on March 18, 1864, and Earnest in November 1864. Both were executed in front of the military prison at Little Rock.[14]

In the short period of the first three months of 1864, three Confederates in Arkansas were convicted of capital offenses and two of the three were executed at Little Rock. The enforcement of martial law south of the Arkansas River had been swift. Perhaps the point of the law had been made on the Confederates by the Union army. At least John Blakely, James Blakely, and Leonard Jackson, who had been held in prison on similar charges, were not executed but were released even though they did not testify for the government but for the defense.[15]

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[13] *Ibid.*, Earnest's records, 66-71.

[14] *Ibid.*, Miller's records, 81-82; Earnest's records, 89-90. Citizen Prisoners held in U. S. Military Prison at Little Rock, Arkansas, Book 409, and Confederate Prisoners of War held in U. S. Military Prison at Little Rock, Arkansas, Book 408, Files E1626 and E1627, RG 393.

[15] Confederate Prisoners of War held in U. S. Military Prison at Little Rock, Arkansas, Book 408. The list of prisoners includes a J. A. Blakely, J. J. Blakely, and Leonard Jackson. J. A. Blakely and J. J. Blakely joined the Fourth Arkansas and were released from prison. Leonard Jackson was released on his oath February 25, 1864.

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Dyess Colony Commemorative Monument
Dyess, Mississippi County, Arkansas

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(BELOW) Community Center
Dyess, Mississippi County, Arkansas

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Main Administration Building, Dyess Colony
Dyess, Mississippi County, Arkansas

PHOTOGRAPHS COURTESY ARKANSAS HISTORIC PRESERVATION PROGRAM

(BELOW) Farm Residence
Dyess, Mississippi County, Arkansas

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